

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Apr 30, 2019

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - FT. LAUD.

~~19-60109-CR-UNGARO/HUNT~~  
18 U.S.C. § 875(c)

UNITED STATES OF AMERICA

vs.

JOHN JOSEPH KLESS,

Defendant.

INDICTMENT

The Grand Jury charges:

COUNT 1

**Transmitting Threats Through Interstate Communications**  
(18 U.S.C. § 875(c))

On or about April 16, 2019, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JOHN JOSEPH KLESS,**

did knowingly transmit in interstate commerce a communication containing any threat to injure the person of another, that is, U.S. Congressman Eric Swalwell, in that in a recorded voicemail left for the Congressman, he stated in part, "... The day you come after our guns, motherfucker, is the day you'll be dead. Along with everybody in the fucking government, motherfucker ... bitch you're gonna fucking pay for that shit, nigger. You're gonna die, don't wanna, don't do that shit, boy. You'll be your death bed motherfucker, along with all the rest of you Democrats. So if you want death, keep that shit up, motherfucker. ... You motherfuckers are gonna pay for it all, with your fucking blood, bitch," with the intent to communicate a threat and with the knowledge that it would be viewed as a threat, in violation of Title 18, United States Code, Section 875(c).

**COUNT 2**  
**Transmitting Threats Through Interstate Communications**  
**(18 U.S.C. § 875(c))**

On or about April 16, 2019, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JOHN JOSEPH KLESS,**

did knowingly transmit in interstate commerce a communication containing any threat to injure the person of another, that is, U.S. Senator Corey Booker, in that in a recorded voicemail left for the Senator, he stated in part "... we need to kill all you motherfuckers man, every fucking one of you man ... we're going to have a war in this country motherfuckers. You're going to be the motherfuckers that pay. Don't you worry, you government officials will be in the graves where you fucking belong, ..." with the intent to communicate a threat and with the knowledge that it would be viewed as a threat, in violation of Title 18, United States Code, Section 875(c).

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MARC S. ANTON  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JOHN JOSEPH KLESS

Case No: \_\_\_\_\_

Counts #: 1-2

Interstate Transmission of Threats

In violation of Title 18, United States Code, Section 875(c)

\* Max. Penalty: Five (5) years' imprisonment; \$250,000 fine; and three (3) years' supervised release.

Count #:

\*Max. Penalty:

Count #:

\*Max. Penalty:

Count #:

\*Max. Penalty:

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**UNITED STATES OF AMERICA****CASE NO.** \_\_\_\_\_**vs.****JOHN JOSEPH KLESS,****CERTIFICATE OF TRIAL ATTORNEY\*****Defendant.****Superseding Case Information:****Court Division:** (Select One)

Miami \_\_\_\_\_ Key West \_\_\_\_\_  
FTL X WPB \_\_\_\_\_ FTP \_\_\_\_\_

New Defendant(s) \_\_\_\_\_ Yes \_\_\_\_\_ No  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 2 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? NO (Yes or No)

If yes: \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge: \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? Yes (Yes or No)

If yes: Magistrate Case No. 19-06187-MJ-BSS


Related Miscellaneous numbers: 4/19/2019

Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? NO (Yes or No)

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? \_\_\_\_\_ Yes X No

  
\_\_\_\_\_  
MARC S. ANTON  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No./Court No. 0148369